

## EXTRADITION

*Treaty and exchange of notes signed at Athens May 6, 1931; protocol of exchange of ratifications signed at Washington November 1, 1932*

*Senate advice and consent to ratification February 19, 1932*

*Ratified by the President of the United States March 10, 1932*

*Ratified by Greece October 13, 1932*

*Ratifications exchanged at Washington November 1, 1932*

*Entered into force November 1, 1932*

*Proclaimed by the President of the United States November 1, 1932*

*Article I interpreted by protocol of September 2, 1937*<sup>1</sup>

47 Stat. 2185; Treaty Series 855

### TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

The United States of America and Greece, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America: Mr. Robert Peet Skinner, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Athens; and

The President of the Hellenic Republic: Mr. Andreas Michalakopoulos, Vice President of the Government, Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, having agreed upon and concluded the following articles:

#### ARTICLE I

It is agreed that the Government of the United States and the Government of Greece shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes or offenses specified in Article II of the Present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other;

<sup>1</sup> EAS 114, *post*, p. 366.

provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.<sup>2</sup>

## ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes or offenses:

1. Murder (including crimes designated by the terms parricide, poisoning, infanticide, manslaughter when voluntary).

2. Malicious wounding or inflicting grievous bodily harm with premeditation.

3. Rape, abortion, carnal knowledge of children under the age of fifteen years.

4. Abduction or detention of women or girls for immoral purposes.

5. Bigamy.

6. Arson.

7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

8. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ship upon the high seas with intent to do bodily harm.

9. Burglary.

10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, [insurance and other companies,]<sup>3</sup> or other buildings not dwellings with intent to commit a felony therein.

11. Robbery.

12. Forgery or the utterance of forged papers.

<sup>2</sup> For an interpretation of the final clause of art. I, see protocol of Sept. 2, 1937 (EAS 114), *post*, p. 366.

<sup>3</sup> See protocol of exchange, p. 360.

13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or Greek equivalent.

16. Embezzlement by any persons hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or Greek equivalent.

17. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or Greek equivalent.

19. Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Greek equivalent.

20. Perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or Greek equivalent.

22. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

23. Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons, provided that the crime or offense is punishable by the laws of both countries.

24. Bribery.

25. Crimes or offenses against the bankruptcy laws.

26. Crimes or offenses against the laws for the suppression of traffic in narcotics.

27. Extradition shall also take place for participation in any of the crimes or offenses before mentioned as an accessory before or after the fact, or in any attempt to commit any of the aforesaid crimes or offenses. However, ex-

tradition for participation or attempt will be accorded in the case of a suspected person only if the maximum of the possible punishment is two years or more, and, in the case of one condemned, only if the sentence pronounced by the jurisdiction of the demanding State is six months or more.

### ARTICLE III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense committed before his extradition. The State applied to, or courts of such State, shall decide whether the crime or offense is of a political character. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of a foreign State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

### ARTICLE IV

No person shall be tried for any crime or offense, committed prior to his extradition, other than that for which he was surrendered, unless he has been at liberty for one month after having been tried, to leave the country, or, in case of conviction, for one month after having suffered his punishment or having been pardoned.

### ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of either of the surrendering or the demanding country, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

### ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

### ARTICLE VII

If a fugitive criminal claimed by one of the two parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received unless the demand

is waived. This article shall not affect such treaties as have previously been concluded by one of the contracting parties with other States.

#### ARTICLE VIII

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens, except in cases where such citizenship has been obtained after the perpetration of the crime for which extradition is sought. The State appealed to shall decide whether the person claimed is its own citizen.

#### ARTICLE IX <sup>4</sup>

The expense of transportation of the fugitive shall be borne by the government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender, arising out of the arrest, detention, examination and surrender of fugitives under this treaty, shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government giving assistance, who shall, in the usual course of their duty receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

#### ARTICLE XI <sup>4</sup>

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the

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<sup>4</sup> For a declaration relating to arts. IX and XI, see exchange of notes, p. 359.

event of the absence of such agents from the country or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Greece, requisitions may be made by superior consular officers.

The arrest of the fugitive shall be brought about in accordance with the laws of the respective countries, and if, after an examination, it shall be decided, according to the law and the evidence, that extradition is due pursuant to this treaty, the fugitive shall be surrendered in conformity to the forms of law prescribed in such cases.

The person provisionally arrested, shall be released, unless within two months from the date of arrest in Greece, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime or offense for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

#### ARTICLE XII

The present Treaty, of which the English and Greek texts are equally authentic, shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

#### ARTICLE XIII

The present Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Athens this sixth day of May, nineteen hundred and thirty-one.

ROBERT P. SKINNER [SEAL]

A. MICHALAKOPOULOS [SEAL]

EXCHANGE OF NOTES CONCERNING MOST-FAVORED-NATION TREATMENT,  
EXCHANGED AT THE TIME OF SIGNATURE OF THE EXTRADITION TREATY  
BETWEEN THE UNITED STATES OF AMERICA AND GREECE

*The American Minister to the Minister of Foreign Affairs*

LEGATION OF THE UNITED STATES OF AMERICA  
*Athens, May 6, 1931*

SIR:

In signing today the treaty of extradition between the United States of America and the Hellenic Republic, I have the honor to declare to your Excellency, under the authority and in the name of my Government, that the Government of the United States will extend to Greece the most favorable treatment now accorded, or which may hereafter be accorded, by the United States to a third Power, with respect to matters dealt with in Articles 9 and 11 of the above mentioned treaty, particularly in that which concerns expenses of every nature, including the usual charges, and the procedure to be followed after the demand for extradition.

Accept, Sir, the renewed assurances of my high consideration.

ROBERT P. SKINNER

His Excellency  
THE MINISTER OF FOREIGN AFFAIRS,  
*Athens.*

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*The Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

*ATHENS, May 6, 1931*

MR. MINISTER:

I have the honor to acknowledge to Your Excellency receipt of your letter of this date, reading as follows:

[For text of U.S. note, see above.]

Acknowledging receipt of this communication, with the content of which the Hellenic Government is in agreement, I take this opportunity to renew to you, Mr. Minister, the assurances of my high consideration.

A. MICHALAKOPOULOS

His Excellency  
Mr. ROBERT PEET SKINNER  
*Envoy Extraordinary and Minister  
Plenipotentiary of the United States  
of America.  
City.*

## PROTOCOL OF EXCHANGE

The undersigned, the Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of Greece at Washington, met this day for the purpose of exchanging the ratifications of the extradition treaty between the United States of America and Greece, signed at Athens on May 6, 1931.

It being found on a comparison of the respective ratifications that the words "insurance and other companies," in Article 2, paragraph 10, of the English text of the treaty as contained in the Greek instrument of ratification, are not contained in that article and paragraph as it appears in the English text of the instrument of ratification of the United States of America, the Secretary of State of the United States of America declared that it was intended by the Government of the United States to have these words appear in the English text of the United States original of the treaty, as their equivalent appears in the Greek text thereof, that their omission from the English text was an inadvertence and that the United States original of the treaty and the United States ratified exchange copy of the treaty should be understood as including those words, the same as if they had been actually written in the English text thereof.

This declaration being accepted by the Minister of Greece, the exchange took place this day in the usual form.

IN WITNESS WHEREOF, the aforesaid Plenipotentiaries have signed the present Protocol of Exchange and have affixed their seals thereto.

DONE at Washington this first day of November, one thousand nine hundred and thirty-two.

HENRY L. STIMSON [SEAL]

CH. SIMOPOULOS [SEAL]